

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

HUNTER'S SPECIALTIES, INC.,)	
)	
Plaintiff,)	Civil Action No. 1:10-cv-00024-EJM
)	
v.)	Judge Edward J. McManus
)	
HUNTER 2 HUNTER EQUIPMENT, INC.,)	
)	
Defendant.)	
)	

HUNTER'S SPECIALTIES' ANSWER TO HUNTER 2 HUNTER'S COUNTERCLAIMS

Plaintiff and Counter-Defendant, Hunter's Specialties, Inc. ("Hunter's Specialties"), answers the counterclaims filed by Defendant and Counter-Plaintiff, Hunter 2 Hunter Equipment, Inc. ("Hunter 2 Hunter"), by and through its attorneys, as follows:

21. Hunter's Specialties admits that this purports to be a counterclaim for declaratory judgment pursuant to Rule 13(a) of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201–2202; however, Hunter's Specialties denies any remaining allegations of this paragraph and denies that Hunter 2 Hunter is entitled to any of the relief it requests.

22. Admitted.

23. Admitted.

24. Admitted.

First Counterclaim—Declaratory Judgment of Noninfringement

25. Admitted.

26. Admitted.

27. Denied.

28. Denied.

29. Denied.

Second Counterclaim—Declaratory Judgment of Invalidity

30. Hunter's Specialties realleges paragraphs 1–13 of its Complaint and its answers to paragraphs 21–39 above.

31. Denied.

RESERVATION OF RIGHTS

Hunter's Specialties' investigation of the matters alleged in Hunter 2 Hunter's counterclaims is ongoing. Hunter's Specialties reserves the right to assert additional defenses as they become known through discovery and trial preparation.

PRAYER FOR RELIEF

Wherefore, Hunter's Specialties denies that Hunter 2 Hunter is entitled to the relief requested in its prayer for relief or any other relief, and Hunter's Specialties requests the relief pleaded in its Complaint and the following further relief:

- A. Judgment that Hunter 2 Hunter's counterclaims be dismissed with prejudice;
- B. Judgment that this is an exceptional case pursuant to 35 U.S.C. § 285, and an award to Hunter's Specialties of its attorneys' fees, costs, and expenses in these counterclaims;
- C. Any and all relief requested in Hunter's Specialties' original Complaint; and
- D. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Jeffrey D. Harty

Edmund J. Sease

Jeffrey D. Harty

Bradley J. Powers

McKEE, VOORHEES & SEASE, P.L.C.

801 Grand Avenue, Suite 3200

Des Moines, IA 50309-2721

Phone: 515-288-3667

Fax: 515-288-1338

Email: ed.sease@ipmvs.com

Email: jeff.harty@ipmvs.com

Email: brad.powers@ipmvs.com

Email: mvslit@ipmvs.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2010, I filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

Brian J. Laurenzo

Rush Nigut

Brick Gentry, P.C.

6701 Westown Parkway, Suite 100

Telephone: (515) 274-1450

Facsimile: (515) 274-1488

Email: brian.laurenzo@brickgentrylaw.com

Email: rush.nigut@brickgentrylaw.com

/s/ Jeffrey D. Harty